

REMARKS/ARGUMENTS

In the Office Action mailed April 5, 2007 (hereinafter “Office Action”), the Office Action rejected claims 1-71 under 35 U.S.C. § 103. Claims 10, 17, 25, 33, 43, 51 and 70 have been amended. Claims 9, 13, 16, 32, 39, 50 and 56 have been cancelled.

Applicants respectfully respond to the Office Action.

I. Rejection of Claims 1-69 and 71 Under 35 U.S.C. § 103

The Office Action rejected claims 1-69 and 71 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,891,838 to Petite et al. (hereinafter, “Petite”) in view of U.S. Patent No. 6,236,332 to Conkright et al. (hereinafter, “Conkright”) in further view of U.S. Patent Application No. 2003/0083078 to Allison et al. (hereinafter, “Allison”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 recites “a paging module in electronic communication with the processor for communicating with a computer through a paging network.” Petite, alone or in combination with Conkright or Allison, does not teach or suggest this claim element.

The Office Action admits that “Petite does not teach a paging module in electronic communication with the processor for communicating with a computer through a paging network.” Office Action, page 4. The addition of Conkright does not overcome the deficiencies of Petite.

Conkright states “[c]omputer 22 also scans and processes new commands and communicates with the remote units 26 through a wireless paging network, for example.” Conkright, col. 4, lines 7-10. Regarding this portion of Conkright, the Office Action asserts “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to use the paging module taught in Conkright in the local gateway of Petite.” Office Action, page 5. Applicants respectfully disagree with this assertion.

The M.P.E.P. states “the claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose.” See M.P.E.P. § 2143.01. The purpose of the Petite reference is to “monitor[], report[], and control[] residential systems, via a multiple access wide area network, a gateway, radio-frequency transceivers and repeaters, and software applications.” Petite, col. 1, lines 30-34. In particular, Petite states “[t]he local gateways . . . may be configured to . . . communicate the remote data signal transmissions . . . to one or more application servers . . . or other . . . interconnected computing devices.” Petite, col. 7, lines 43-48. Accordingly, an intended purpose of Petite is for the gateway to communicate with the computing devices.

If “the paging module taught in Conkright [was implemented] in the local gateway of Petite” (Office Action, page 5) the gateway would be unable to communicate with the “application servers . . . or other interconnected computing devices.” Applicants cannot find, and the Office Action has not pointed to, any teaching in Petite that suggests the “application servers . . . or other interconnected computing devices” include a paging module that would allow them to transmit and receive pages over a paging network. In fact, Petite states “workstation 150 or laptop 140 can be used to access the

stored information via a Web browser.” Petite, col. 8, lines 58-60. Petite also states “the application server . . . may . . . generate[] required control signals for appropriate distribution via WAN.” Petite, col. 8, lines 60-64. Further, Petite states “clients may . . . host control applications on their own WAN 130 connected workstation 150.” Petite, col. 8, lines 65-67. It is clear that Petite routinely states that the “application servers . . . or other interconnected computing devices” are connected to the wide area network. There is no suggestion by Petite to indicate such computing systems would include paging capabilities that would allow them to communicate with the gateway via a paging network.

In addition, as known in the art, pagers are used to send/receive small amounts of data, such as short numeric and alphanumeric messages. Further, devices that are capable of transmitting/receiving pages are not constantly connected to a paging network. In contradistinction, as known in the art, computers as in Petite are constantly connected to their computer networks. As such, Applicants submit that one of ordinary skill in the art would not find it obvious to include “workstations” or “laptops” with paging capabilities because the size of signals sent through a paging network are limited to a small amount of data and “workstations” or “laptops” constantly connected to a paging network would greatly hinder the efficiency of the paging network. As such, the “proposed modification [including a paging module on the gateway] would render [Petite] . . . unsatisfactory for its intended purpose” (See M.P.E.P. § 2143.01) because the gateway would be unable to communicate with the “application servers . . . or other . . . interconnected computing devices.”

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

The Office Action rejected Claims 2-24 under 35 U.S.C. § 103(a) based on Petite in view of Conkright in further view of Allison. This rejection is respectfully traversed. It is well settled that if an independent claim is patentable over the cited art, then all claims depending from the independent claim are similarly patentable. M.P.E.P. § 2143.03 (“If an independent claim is nonobvious under 35

U.S.C. 103, then any claim depending therefrom is nonobvious”). In this case claims 2-24 depend either directly or indirectly from claim 1. As noted above, claim 1 is patentable and nonobvious over the cited references. Accordingly, as the independent claim is patentable over these references, dependent claims 2-24 (which depend from independent claim 1) are similarly allowable. Favorable consideration and withdrawal of this rejection is respectfully requested.

Claim 25 also recites “a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” Petite, alone or in combination with Conkright and Allison, does not teach or suggest this claim element.

The Office Action admits that “Petite does not teach wherein the computer is programmed to send pages to the communications module through a paging network and a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” See Office Action page 6. The addition of Conkright does not overcome the deficiencies of Petite. This element of claim 25 is similar to the element of claim 1 discussed above. As such, Applicants respectfully submit that claim 25 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 25 be withdrawn.

Claims 26-42 depend either directly or indirectly from claim 25. Accordingly, Applicants respectfully request that the rejection of claims 26-42 be withdrawn for the same reasons as those presented in connection with claim 25 because Petite, Conkright and Allison, alone or in combination, do not teach or suggest all of the elements of claim 25.

Claim 43 also recites “a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” Petite, alone or in combination with Conkright and Allison, does not teach or suggest this claim element.

The Office Action admits that “Petite does not teach wherein the computer is programmed to send pages to the communications module through a paging network and a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” See Office Action pages 13-14. The addition of Conkright does not

overcome the deficiencies of Petite. This element of claim 43 is similar to the element of claim 1 discussed above. As such, Applicants respectfully submit that claim 43 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 43 be withdrawn.

Claims 44-58 depend either directly or indirectly from claim 43. Accordingly, Applicants respectfully that the rejection of claims 44-58 be withdrawn for the same reasons as those presented in connection with claim 43 because Petite, Conkright and Allison, alone or in combination, do not teach or suggest all of the elements of claim 43.

Claim 59 also recites “a paging module in electronic communication with the processor for receiving pager communications from the computer through a paging network.” Petite, alone or in combination with Conkright and Allison, does not teach or suggest this claim element.

The Office Action admits that “Petite does not teach a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” See Office Action page 19. The addition of Conkright does not overcome the deficiencies of Petite. This element of claim 59 is similar to the element of claim 1 discussed above. As such, Applicants respectfully submit that claim 59 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 59 be withdrawn.

Claims 60-69 depend either directly or indirectly from claim 59. Accordingly, Applicants respectfully that the rejection of claims 60-69 be withdrawn for the same reasons as those presented in connection with claim 59 because Petite, Conkright and Allison, alone or in combination, do not teach or suggest all of the elements of claim 59.

Claim 71 also recites “a paging module in electronic communication with the processor for sending pager communications to the communications module though a paging network and a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network.” Petite, alone or in combination with Conkright and Allison, does not teach or suggest this claim element.

The Office Action admits that “Petite does not teach a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network/sending pager communications to the communications module through a paging network.” See Office Action page 23. The addition of Conkright does not overcome the deficiencies of Petite. This element of claim 71 is similar to the element of claim 1 discussed above. As such, Applicants respectfully submit that claim 71 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 71 be withdrawn.

II. Rejection of Claim 70 under 35 U.S.C. § 103(a)

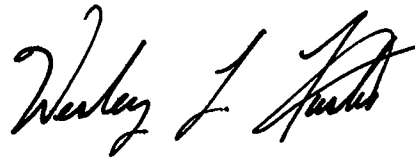
The Office Action rejected claim 70 under 35 U.S.C. § 103(a) as being unpatentable over Petite in view of U.S. Patent No. 6,229,846 to Lassig et al. (hereinafter, “Lassig”) in further view of Allison. This rejection is respectfully traversed. The standard to establish a *prima facie* case of obviousness is provided above.

Claim 70 has been amended to recite “a paging module in electronic communication with the processor for receiving pager communications from the computer through a paging network.” Support for this amendment may be found in Applicants’ specification, for example, page 10, lines 25-29 and Figure 7. The Office Action admits that “Petite does not teach a paging module in electronic communication with the processor for receiving pager communications from the computer through the paging network/sending pager communications to the communications module through a paging network.” See Office Action page 23. The addition of Conkright does not overcome the deficiencies of Petite. This element of claim 70 is similar to the element of claim 1 discussed above. As such, Applicants respectfully submit that claim 70 is patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1. Accordingly, Applicants respectfully request that the rejection of claim 70 be withdrawn.

III. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: July 5, 2007

MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: (801) 537-1700